

**REMARKS**

Upon entry of the foregoing amendment, Claims 1-2 and 4-9 are pending in this application, in which Claims 4, 6 and 7 were withdrawn as being directed to a non-elected invention. The Examiner rejected Claim 2 under 35 U.S.C. 112, second paragraph, rejected Claims 1 and 5 under 35 U.S.C. 102(b), indicated that Claim 2 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims, and allowed Claim 8. Claims 1 and 2 have been amended and Claim 9 has been added in the foregoing amendment.

**Claim 2 is Definite**

The Examiner rejected Claim 2 under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the Examiner indicated that the subject matter of "wherein the reservoir is fixed to a header pipe of the radiator" is redundant since Claim 1 already recites that the reservoir is fixed to a header pipe of the larger heat exchanger and Claim 2 recites that the larger heat exchanger is the radiator. Applicant amended Claim 2 to remove the redundancy and to clarify the invention. Accordingly, Claim 2 should now be in condition for allowance.

**Claims 1, 5 and 9 are Patentable over Heraud**

The Examiner rejected Claims 1 and 5 as anticipated by U.S. Patent No. 5,505,253 to Heraud ("Heraud"). Applicant traverses this rejection for the reasons discussed below.

**Claim 1**

The Examiner alleged that the reference number 10 of Heraud corresponds to a larger heat exchanger and the reference number 62 corresponds to a frontmost heat exchanger and cited Figs. 1-3 of Heraud. As discussed and clarified in the telephone interview of June 5, 2006 between the Examiner and the undersigned, a length of the flat tubes 12 and the header tanks 16, 18 of the condenser 10 in Heraud is approximately the same as a length of the flat tubes and the water tanks 66, 72 of the cooling radiator 62 in an elongation direction of the

flat tubes 12. See Figs. 1-3. Thus, Heraud fails to describe that a length of the heat exchanger tubes and the header pipes of the larger heat exchanger is longer than a length of the heat exchanger tubes and the header pipes of the frontmost heat exchanger in an elongation direction of the heat exchanger tubes, as required by Claim 1.

Moreover, Heraud describes that a single flow of air provides the cooling of the vehicle engine cooling fluid and the refrigerating fluid passing through the condenser. Heraud does not describe the direction of the air flow. See Column 3, lines 46-50 of Heraud. Thus, Heraud fails to describe that the reservoir is located behind a plane extending through an intake of the frontmost heat exchanger, wherein the airflow is introduced into the intake, as required by Claim 1.

Accordingly, Claim 1 is not anticipated by Heraud and Claim 1 should be allowed.

#### **Claims 5 and 9**

Claims 5 and 9 depend from independent Claim 1. The remarks made above in support of the patentability of the independent Claim 1 are equally applicable to distinguish the dependent claims from Heraud. Accordingly, Claims 5 and 9 also should be allowed. In addition, Claim 9 requires a bracket for fixing the reservoir to the header pipe, wherein the bracket contacts the larger heat exchanger beyond the overlap between the larger and frontmost heat exchangers. This configuration allows the reservoir to be mounted without enlarging a bracket for mounting the reservoir, which reduces dimension in a vehicle longitudinal direction. See page 6, lines 3-6 of the specification.

#### **Claims 4, 6 and 7**

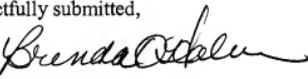
Withdrawn Claims 4, 6 and 7 depend from independent Claim 1. Applicant requests examination and allowance of Claims 4, 6 and 7 as well.

**CONCLUSION**

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

No fee is believed to be due. If a fee is due, the Commissioner is authorized to charge such fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

  
By: Brenda O. Holmes  
Reg. No. 40,339

KILPATRICK STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530  
Telephone: (404) 815-6500  
Facsimile: (404) 815-6555  
Our Docket: 44471/298742